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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,616	10/20/2003	Drew James Van Norman	87358.2160	2584

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EXAMINER

BERTHEAUD, PETER JOHN

ART UNIT	PAPER NUMBER
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3746

MAIL DATE	DELIVERY MODE
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10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,616

Applicant(s)

NORMAN ET AL.

Examiner

Peter J. Bertheaud

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,9,10,14,17 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,9,10,14,17 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/20/2007 has been entered. It is noted that claim 27 has been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin 4,127,365.

Martin discloses a motor and gear pump assembly comprising a motor/drive assembly 21 having an output shaft 22; a pump assembly (see 11 and 13) having an input shaft 31 matable with the motor/gear box assembly output shaft 22; and an adapter (see can that surrounds the shaft coupling in combination with 16), or aligning means, rigidly coupled between the motor/drive assembly 21 and the pump assembly

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and having a bore there through to permit at least one of the output shaft and the input shaft to pass therethrough (see configuration in Fig. 1); and a base (see base under element 14 in Fig. 1), or supporting means, rigidly coupled to the adapter body that supports the adapter body wherein the base is rigidly coupled to the pump assembly (see 11 and 13) and the adaptor body only.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 10, 17, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 4,127,365, in view of Oehman, Jr. 6,764,284, and in further view of Eberhardt 4,786,239.

Martin discloses the invention as discussed above. However, Martin does not teach the following claimed limitations taught by Oehman, Jr.

Oehman, Jr. discloses a pump mount assembly comprising: driving means 11 having an output shaft 26; pumping means 14 having an input shaft 42 matable with the driving means output shaft; and an adapter or aligning means 57 rigidly coupled between the driving means and the pumping means for aligning the driving means and the pumping means, and having a bore therethrough to permit at least one of the output

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shaft and the input shaft to pass therethrough (see Figs. 3 and 4). Oehman, Jr. also discloses that the adapter is a unitary part (see 57 in Fig. 4). Oehman, Jr. further discloses a first face having a counterbore (see counterbore in 57 in Fig. 4); and a bore extending from the front face to a second face through the adapter, or aligning means 57 to permit a shaft to pass through between the pumping means and the driving means (see Fig. 3).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the pump mount assembly of Martin, by implementing a counterbore in the first face, as well as a bore extending from the front face to a second face in order to create a mechanically-sealed interface between the motor and the pump (Oehman Jr., col. 4, lines 13-18).

Martin in view of Oehman, Jr. disclose the invention as discussed above. However, Martin in view of Oehamn Jr. does not teach that the second face has at least two mounting holes that receive shoulder screws threadable into the pumping means.

Eberhardt teaches pumping system including a motor 10, a pump 12, and a pump drive shaft 24 coupled to a motor output shaft 11. Eberhardt further teaches an adaptor or aligning means (see part directly to the left of the pump 12) defined by a first face having a counterbore and second face having at least two mounting holes that receive shoulder screws threadable into the pumping means (see Figs. 1 and 2 particularly screws that connect the adapter to 12). Eberhardt also teaches that the second face comprises a registration feature (see annular protrusion extending into 12, from the adaptor's second face, directly inside the screws) that permits registration with

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the pump assembly. Eberhardt teaches that this would be advantageous because the adapter supports the fuel supply for the motor and therefore needs a tightly sealed connection between the motor and the pump.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the pump mount assembly of Martin in view of Oehman, by modifying the second face of the adapter to have at least two mounting holes that receive shoulder screws threadable into the pumping means, as taught by Eberhardt, in order to provide a support for the fuel supply for the motor and to seal the connection between the motor and the pump (see col. 2, lines 54-57).

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paugh 3,008,631 in view of Martin 4,127,365.

Paugh discloses a motor and pump assembly comprising a motor/drive assembly (see M and gear assembly in between walls 33 and 32) having what could be a hollow final output gear 84 with a receiving portion; a pump assembly (A) having a pump input shaft (see 83, or more specifically the shaft that reference numeral 68 is pointing to) extending outward therefrom and could be matable to project into the hollow receiving portion of the output gear 84; an adapter body (see the left portion of 30 comprising walls 31 and 33 and everything in between) rigidly coupled between the motor/drive assembly and the pump assembly and having a bore therethrough that could permit the pump input shaft 68 to pass therethrough. However, Paugh does not teach the following claimed limitations taught by Martin.

Martin teaches a motor and gear pump assembly comprising a motor/drive assembly 21 having an output shaft 22; a pump assembly (see 11 and 13) having an input shaft 31 matable with the motor/gear box assembly output shaft 22; and an adapter (see the housing can that surrounds the shaft coupling in combination with 16), or aligning means, rigidly coupled between the motor/drive assembly 21 and the pump assembly and having a bore there through to permit at least one of the output shaft and the input shaft to pass therethrough (see configuration in Fig. 1); and wherein the adapter body has a first face with an aligning feature that aligns it with the motor/drive assembly (see how the can, which couples the motor 21 to ring 16, has a bore hole, which allows the sloped portion of the motor casing leading up to shaft 22 into the can, helping to align the motor with the adapter) and second face with an alignment feature that aligns it with the pump assembly (see how 16 has screws 19); and a base (see base under element 14 in Fig. 1), directly coupled to the pump assembly (see 11 and 13) and directly coupled to the adapter body, that supports the pump assembly, the adapter body, and the motor/drive assembly, but does not contact the motor/drive assembly (see configuration in Fig. 1).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the pump mount assembly of Paugh, implementing an adapter body with features that allow it to quickly align a pump and a motor, as well as a base that contacts only the adapter and pump, in order to better align the coupling of the motor with the pump and in order to decrease the vibrations of the base by having the motor suspended (see motor in Fig. 1).

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Response to Arguments


7. Applicant's arguments with respect to claims 6, 9, 10, 14, 17, 25, and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

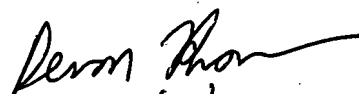
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Bertheaud whose telephone number is (571) 272-3476. The examiner can normally be reached on M-F 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


PJB 10/10/07

DEVON C. KRAEMER
PATENT EXAMINER


10/12/07